

IRON THUNDERHORSE §
VS. § CIVIL ACTION NO. 9:17cv189
DIRECTOR, TDCJ-CID §

Petitioner Iron Thunderhorse, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner has submitted a motion seeking leave to proceed *in forma pauperis* (doc. no. 2). The trust found balance sheet submitted in support of the application states that on the date it was prepared, petitioner had a balance of more than \$71.18 in his inmate trust account and that \$430 had been deposited into the trust account during the preceding six month period.

Since 1892, Congress has permitted indigent persons to bring lawsuits in federal courts without prepayment of filing fees. Act of July 20, 1892, ch. 209.27 Stat. 252 (codified, as amended, at 28 U.S.C. § 1915). Section 1915 is intended to provide access to the federal courts for plaintiffs who lack the financial resources to pay any part of the statutory filing costs. However, a district court may order users of the courts to pay the filing fees when they are financially able to do so. See *Williams v. Estelle*, 681 F.2d 946, 947 (5th Cir. 1982).

Based on the available balance in petitioner's inmate trust account, it is clear he has sufficient assets to pay the \$5 filing fee applicable to his petition. Accordingly, petitioner's application to proceed *in forma pauperis* will be denied and petitioner directed to pay the \$5 filing fee.

ORDER

For the reasons set forth above, petitioner's application to proceed *in forma pauperis* is **DENIED**. Petitioner shall, within 30 days from the date set forth below, pay the \$5 filing fee to the Clerk of Court.

SIGNED this the 16th day of November, 2017.

A handwritten signature in black ink, appearing to read "Keith F. GIBLIN", written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE